IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 26750 of 2005(H)

PETITIONER:

OOMMEN GEORGE, LECTURER, DEPARTMENT OF PHYSICS, CATHOLICATE COLLEGE, PATHANAMTHITTA.

BY ADV. SRI.BABU VARGHESE

RESPONDENTS:

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1. THE MANAGER, CORPORATE MANAGEMENT OF MALANKARA ORTHODOX CHURCH COLLEGES, DEVALOMA, P.O. KOTTAYAM.

2. MAHATMA GANDHI UNIVERSITY, REPRESENTED BY ITS REGISTRAR, PRIYADARSHINI HILLS P.O. KOTTAYAM.

3. THE DIRECTOR OF COLLEGIATE EDUCATION, VIKAS BHAVAN, P.M.G.JUNCTION, THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOTTAYAM.

R2 BY ADV. SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY
R3 & R4 BY GOVT. PLEADER SRI. T.T. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 26750/2005.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF ORDER NO.AC.F.1.4.396/82 DATED .12.1984 OF THE UNIVERSITY OF KERALA.

EXT.P1(a) : TRUE COPY OF ORDER NO.161/B1/84/ACAD. DT. 24.6.1984 OF THE 2ND RESPONDENT.

EXT. P1(b) : TRUE COPY OF ORDER NO.161/B1/84/ACAD DT. 24.6.1985 OF THE 2ND RESPONDENT.

EXT. P1(c) : TRUE COPY OF ORDER NO.ACAD. B1/358/B488 DATED 14.2.1989 OF THE 2ND RESPONDENT.

EXT. P1 (d) : TRUE COPY OF ORDER NO.aC.B1-4/358/88 DATED 22.6.1990 OF THE 2ND RESPONDENT.

EXT. P1 (e) : TRYE COPY OF ORDER NO.Ac.B1-4/351/88 DATED 5.4.1990 OF THE 2ND RESPONDENT.

EXT. P1 (f) : TRUE COPY OF ORDER NO.ACAD.B1/858/B4/88 DATED 5.8.1989 OF THE 2ND RESPONDENT.

EXT. P1(g) : TRUE COPYOF ORDER NO.I.O. NO.AC B1-4/358/88/VOL. III DATED 1.3.2001 OF THE 2ND RESPONDENT.

EXT. P2 : TRUE COPYOF THE OBJECTION RAISED BY THE 3RD RESPONDENT DATED 22.4.1991.

EXT. P2(a) : TRUE COPY OF THE SUPPLEMENTARY SALARY BILL AND THE REPLY TO THE OBJECTIONS FORWARDED BY THE PRINCIPAL DATED 17.6.1996.

EXT. P3 : TRUE COPY OF LETTER DATED 17.1.1997 FROM THE 4TH RESPONDENT TO THE PRINCIPAL.

EXT. P3 (a) : TRUE COPY OF THE REPLY DATED 5.3.1997 GIVEN BY THE PRINCIPAL TO THE 4TH RESPONDENT.

EXT. P4 : TRUE COPY OF LETTER DTED 12.11.1997 FROM THE 4TH RESPONDENT TO THE PRINCIPAL.

EXT. P5 : TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT DATED 7.6.2005.

EXT. P6 : TRUE COPY OF REPRESENTATION DATED 20.8.2005 SUBMITTED BY THE PETITIONER TO THE MANAGER M.O.C.C. COLLEGES, DEVALOKAM.

EXT. P7 : TRUE COPY OF REPRESENTATION DATED 20.8.2005 SUBMITTED BY THE PETITIOENR TO THE VICE CHANCELLOR, MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

K.M.JOSEPH, J.

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WP.(C) No. 26750 OF 2005

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Dated this the 7th day of December, 2006

JUDGMENT

Case of the petitioner is as follows:

Petitioner was initially selected and appointed as Junior Lecturer with effect from 22.2.1983 in a leave vacancy. He was reappointed in different spells of leave vacancies. Finally he was absorbed to a substantive vacancy in the year 1997. It is stated that the second respondent had approved all the appointments, but the salary for the period from 10.7.1984 to 7.11.1985 and from 30.1.1986 to 21.3.1986 has been denied to the petitioner. He would also say that his rightful promotions as Senior Grade and Selection Grade has also been denied.

2. Counter affidavit is filed on behalf of the fourth respondent raising objections.

3. Petitioner relies on Ext.P1 series approving the appointment in regard to the period in question. He also relied on the Division Bench decision of this court reported in **Cherian Mathew v. Principal, S.B.College, Changanassery** (1998(2) K.L.T. 144).

Having heard counsel for the parties, the writ petition is disposed of as follows:

The fourth respondent shall give his objections to the appointment of the petitioner in respect to the period in question within a period of one month to the second respondent. The second respondent shall meticulously consider each and every objection and pass a reasoned decision. This shall be communicated to the petitioner and to the fourth respondent. If the decision of the second respondent is reiterating the decision to approve the appointment for the period in question, the fourth respondent shall be bound to act in terms of the decision reported in **Cherian Mathew's Case,** and the monetary benefits payable to the petitioner shall be paid without further delay. If the decision of the University is in favour of the petitioner, it is open to the petitioner to move the Manager claiming promotion.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.